

OPINION
56-23

June 15, 1956 (OPINION)

CITIES

RE: Council Members - Right to be Members of School Board

This is in reply to your letter requesting an opinion of this office on whether or not a member of the city council can also be a member of the school board. You call our attention to section 40-0809 of the North Dakota Revised Code of 1943 restricting members of the city council from holding any other office, the salary of which is payable from the city treasury or holding any other office under the city government.

We believe that at least for this purpose, the school district, even though possibly consisting of a special school district occupying the same territory, must be recognized as a separate and distinct corporate entity from the city to which you have reference. It is, therefore, our opinion that section 40-0809 of the North Dakota Revised Code of 1943 is not applicable to this problem.

We know of no conflicting interests between the city and school district that could give rise to a practical incompatibility in the two offices. It is therefore our conclusion that a person who is a member of the city council may also be a member of the governing board of the local school district.

LESLIE R. BURGUM

Attorney General